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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,047	09/27/2005	Hidenori Ishii	P9289.05176	4666

52989 7590 11/28/2007
STEVENS, DAVIS, MILLER & MOSHER, LLP
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WASHINGTON, DC 20036

EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,047	Applicant(s) ISHII ET AL.	
	Examiner Sam Bhattacharya	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-119752 (hereinafter '752).

Regarding claim 1, '752 discloses a resource allocating method in a radio base station for allocating a plurality of types of calls to a plurality of signal processing cards, comprising at least the steps of: registering a call of a type whose loss is to be avoided as a protected call among the plurality of types of calls; comparing a first sum of a resource of the protected call and a resource of a new call with vacant resources of at least two signal processing cards when the new call occurs; defining a case that the first sum is more than a vacant resource of each signal processing card as a high traffic time, while defining another case that the first sum is less than or equal to a vacant resource of either signal processing card of the at least two signal processing cards as a low traffic time; and switching a resource allocating scheme between the high traffic time and the low traffic time. See paragraphs 11, 12 and 18.

Regarding claim 2, '752 discloses allocating the new call preferentially to a signal processing card with the smallest vacant resource among signal processing cards with vacant resources more than the resource of the new call at the high traffic time. See paragraph 18.

Regarding claim 3, '752 discloses discarding the new call when the resource of the new call is more than vacant resources of all signal processing cards. See paragraph 29.

Regarding claim 4, '752 discloses determining a signal processing card judged as an optimal allocation destination of the new call as an allocation destination signal processing card; comparing a second sum of the resource of the new call and a resource of a common channel with a vacant resource of the allocation destination signal processing card when the common channel is not allocated to the allocation destination signal processing card; and allocating the new call to the allocation destination signal processing card when the second sum is less than the vacant resource of the allocation destination signal processing card, while allocating the new call to a signal processing card to which the common channel is allocated when the second sum is more than or equal to the vacant resource of the allocation destination signal processing card. See paragraph 11, 18 and 29.

Regarding claim 5, '752 discloses wherein when there are two or more signal processing cards with vacant resources more than a required resource of the new call in addition to a signal processing card holding a common channel, a signal processing card judged as an optimal allocation destination of the new call is determined as an allocation destination signal processing card. See paragraphs 27-29.

Claims 6-12 are rejected for the same reasons as claims 1-5.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Matsumoto (US 5,539,923)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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